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E-filed 3/27/06

5 Attorneys for Plaintiff MICROSOFT CORPORATION

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 MICROSOFT CORPORATION, a Washington
corporation,

12 Plaintiff,

13 v.

14 SUNCREST ENTERPRISE, a California
corporation; and YI-LING CHEN, an individual
15 a/k/a EILEEN CHEN,

16 Defendants.

CASE NO. 03-CV-5424-JF/HRL

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18 STIPULATION TO CONTINUE
PRETRIAL CONFERENCE PENDING
RESOLUTION OF THE PARTIES'
MOTIONS FOR SUMMARY
JUDGMENT; [PROPOSED] ORDER

19 SUNCREST ENTERPRISE, INC., a California
corporation,

20 Third Party Claimant,

21 v.

22 M-PLUS INTERNATIONAL TECHNOLOGY,
INC., a California corporation; SIMON PL YU,
23 an individual; and AILEEN Y. JIN, an
individual,

24 Cross-Defendants.

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STIPULATION TO CONTINUE PRETRIAL CONFERENCE
CASE NO. 03-CV-5424-JF/HRL

1 The parties, by and through their attorneys of record, request that the Court accept the
 2 parties' Stipulation to Continue the Pretrial Conference Pending Resolution of the Parties' Motions
 3 for Summary Judgment.

4 On February 13, 2006, the Court ordered that the motion hearing cut-off be set for March
 5 31, 2006, the Pretrial Conference be set for April 14, 2006, and Trial be set for May 28, 2006.¹
 6 The basis for setting the afore-mentioned dates was to allow the Court time to rule on any motions
 7 for summary judgment prior to the Pretrial Conference.

8 The hearings on Plaintiff Microsoft Corporation's ("Microsoft") and Defendants Suncrest
 9 Enterprise and Yi-Ling Chen a/k/a Eileen Chen's (collectively, "Defendants") respective motions
 10 for summary judgment are scheduled for March 31, 2006. Pursuant to the Court's Standing Order
 11 re Pretrial Preparation, which became effective on February 24, 2006, the parties are required to
 12 meet and confer regarding the preparation of the Joint Pretrial Conference Statement at least
 13 twenty days before the Pretrial Conference. The parties are also required to file the Joint Pretrial
 14 Conference Statement not less than ten court days prior to the Pretrial Conference. As currently
 15 scheduled, the parties will be required to file their Joint Pretrial Conference Statement on March
 16 31, 2006, the same day as the hearing on the parties' motions for summary judgment. Depending
 17 on the Court's ruling on the parties' motions for summary judgment, the factual and legal issues to
 18 be set forth in the Joint Pretrial Conference Statement could change significantly. Alternatively,
 19 resolution of the parties' motions for summary judgment could altogether eliminate the need for
 20 preparing a filing a Joint Pretrial Conference Statement.

21 The parties therefore request a continuance of the Pretrial Conference until May 12, 2006
 22 so the Court may rule on the parties' respective motions for summary judgment before the parties
 23 prepare their Joint Pretrial Conference Statement. Continuing the Pretrial Conference date will
 24 allow the parties to avoid the cost and expense of preparing the Pretrial Conference Statement in
 25 the event the Court grants summary judgment, or allow the parties to prepare their Joint Pretrial

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 28 ¹ The Court later moved the trial date to May 26, 2006.

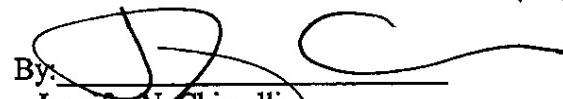
1 Conference Statement only with respect to the factual and/or legal issues remaining after the ruling
2 on the summary judgment motions. A continuance will also conserve the Court's time and
3 resources that would be expended reviewing a potentially superfluous Joint Pretrial Conference
4 Statement.

5 The parties hereby request the Court continue the Pretrial Conference from April 14, 2006
6 to May 12, 2006.

7 **IT IS SO STIPULATED:**

8 DATED: March 23, 2006

PERKINS COIE LLP

9
10 By: 
Jennifer N. Chiarelli
11 Attorneys for Plaintiff
MICROSOFT CORPORATION

12 DATED: March ___, 2006

GORMAN & MILLER, P.C.

13
14 By: _____
John C. Gorman
15 Attorneys for Defendants
16 SUNCREST ENTERPRISE and YI-LING
CHEN a/k/a EILEEN CHEN

17 DATED: March ___, 2006

SHAWN T. LEUTHOLD

18
19 By: _____
Shawn T. Leuthold
20 Attorneys for Cross-Defendants
21 M-PLUS INTERNATIONAL
22 TECHNOLOGY, INC., SIMON PL YU, and
AILEEN Y. JIN

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 The Pretrial Conference is continued from April 14, 2006 to May 12, 2006.
25

26 Dated: March 27, 2006


HON. JEREMY FOGEL
United States District Judge

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6 to May 12, 2006.

7 **IT IS SO STIPULATED:**

8 DATED: March ___, 2006

PERKINS COIE LLP

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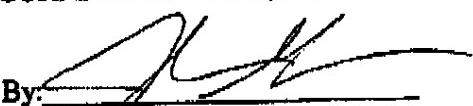
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By: _____

Jennifer N. Chiarelli
Attorneys for Plaintiff
MICROSOFT CORPORATION

GORMAN & MILLER, P.C.

By: 
John G. Gorman
Attorneys for Defendants
SUNCREST ENTERPRISE and YI-LING
CHEN a/k/a EILEEN CHEN

SHAWN T. LEUTHOLD

By: _____

Shawn T. Leuthold
Attorneys for Cross-Defendants
M-PLUS INTERNATIONAL
TECHNOLOGY, INC., SIMON PL YU, and
AILEEN Y. JIN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Pretrial Conference is continued from April 14, 2006 to May 12, 2006.

Dated: March ___, 2006

HON. JEREMY FOGL
United States District Judge

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STIPULATION TO CONTINUE PRETRIAL CONFERENCE
CASE NO. 03-CV-5424-JF/HRL

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8 DATED: March , 2006

PERKINS COIE LLP

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By: _____

Jennifer N. Chiarelli
Attorneys for Plaintiff
MICROSOFT CORPORATION

DATED: March , 2006 GORMAN & MILLER, P.C.

By: _____

John C. Gorman
Attorneys for Defendants
SUNCREST ENTERPRISE and YI-LING
CHEN a/k/a EILEEN CHEN

DATED: March 23, 2006 SHAWN T. LEUTHOLD

By: _____

Shawn T. Leuthold
Attorneys for Cross-Defendants
M-PLUS INTERNATIONAL
TECHNOLOGY, INC., SIMON PL YU, and
AILEEN Y. JIN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Pretrial Conference is continued from April 14, 2006 to May 12, 2006.

Dated: March , 2006

HON. JEREMY FOGL
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26th Street, Sixth Floor, Santa Monica, California 90404.

On March 23, 2006, I served a true copy of **STIPULATION TO CONTINUE PRETRIAL CONFERENCE PENDING RESOLUTION OF THE PARTIES' MOTIONS FOR SUMMARY JUDGMENT; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

<p>John C. Gorman Craig Alan Hansen GORMAN & MILLER, P.C. 210 North Fourth Street, Suite 200 San Jose, CA 95112 Telephone: (408) 297-2222 Facsimile: (408) 297-2224</p>	<p>Attorneys for Defendant/Cross- Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN</p>
<p>Shawn T. Leuthold Law Office of Shawn T. Leuthold 1671 The Alameda, Suite 309 San Jose, CA 95126 Telephone: (408) 924-0132 Facsimile: (408) 924-0134</p>	<p>Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)</p>

[XX] **BY MAIL**) I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

(BY HAND DELIVERY) I caused each envelope to be delivered by hand to the offices listed above..

[] **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

- 1 [] **(BY E-MAIL)** I served a true copy of on the interested parties in this action by
2 email, addressed as follows:
3 [] **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be
4 sent by Automatic Facsimile/Telecopier to the number(s) indicated above.
5 [] **(STATE)** I declare under penalty of perjury under the laws of the State of
6 California that the above is true and correct.
7 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
8 this court at whose direction the service was made.

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10 Executed on March 23, 2006, at Santa Monica, California.
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10 /s/
11 SANAYE KUMAGAI